

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DONTA CARSON,

Plaintiff,

v.

WARDEN MCCORMICK, ET AL.

Defendants.

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CIVIL ACTION NO. 5:19-CV-00089-RWS

ORDER

The Plaintiff Donta Carson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights during his confinement in the Bowie County Correctional Center. This Court referred the case to the United States Magistrate Judge.

The Magistrate Judge ordered Plaintiff to either pay the statutory filing fee or file an application for leave to proceed *in forma pauperis*, as required by 28 U.S.C. § 1915(b). By separate order, the Magistrate Judge directed Plaintiff to file an amended complaint setting out a short and plain statement of his claims. Plaintiff received copies of these orders on April 30, 2020, but to date has not complied, nor has he responded in any way.

The Magistrate Judge entered a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 8. A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but no objections have been filed; accordingly, Plaintiff is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from

appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the record in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 8) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

SIGNED this 26th day of February, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE